

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : CRIMINAL NO. _____

v. : DATE FILED: _____

**JOHN FAIONE : VIOLATIONS: 21 U.S.C. § 846
(conspiracy to distribute
marijuana - 1 count)
Notice of forfeiture
Notice of additional factors**

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

1. From in or about July 1998 to on or about May 24, 2000, at Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

JOHN FAIONE

conspired and agreed with others known and unknown to the grand jury, to knowingly and intentionally distribute and possess with intent to distribute more than 100 kilograms, that is, approximately 680 kilograms, of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

MANNER AND MEANS

2. It was part of the conspiracy that defendant **JOHN FAIONE** obtained shipments of marijuana ranging from 60 to 324 pounds on a regular basis from in or about 1998

to on or about May 21, 2000 from Matthew Monaghan, charged elsewhere, who had access to sources of supply of marijuana in Arizona and Mexico.

It was further a part of the conspiracy that:

3. Defendant **JOHN FAIONE** hired and paid senior citizens known to him, including Peter Kulbacki and Edward Ferrill, each charged elsewhere, as couriers and drivers to travel to Arizona and, using rental or personally owned vehicles, receive and transport hundred to multi-hundred pound quantities of marijuana concealed within vehicle trunks or hidden compartments from Arizona cross-country to the Baltimore, Maryland and Philadelphia, Pennsylvania areas.

4. Defendant **JOHN FAIONE** and others known to the United States Attorney caused the drivers of marijuana shipments to be paid at the rate of \$100 per pound for transporting marijuana from Arizona to the Baltimore and Philadelphia areas for delivery to defendant JOHN FAIONE and others.

5. Defendant **JOHN FAIONE** received at his residences in Aston, and Glen Mills, Pennsylvania, and elsewhere, numerous multi-pound shipments of marijuana from couriers he hired and paid to transport the marijuana from Arizona to the Baltimore and Philadelphia areas.

6. Defendant **JOHN FAIONE** then sold and distributed the marijuana he received in pound to multi-hundred pound quantities to customers in the Eastern District of Pennsylvania, and elsewhere.

7. Defendant **JOHN FAIONE** received, sold and distributed at least 680 kilograms of marijuana supplied by others known to the United States Attorney in Arizona who

delivered the shipments to couriers **FAIONE** hired and paid to transport the marijuana shipments during the period of time from 1998 through May 24, 2000.

9. Defendant **JOHN FAIONE** used cellular and land-based telephone facilities to arrange, negotiate and complete marijuana shipments and deliveries and payment transactions with his supplier, Matthew Monaghan.

10. Defendant **JOHN FAIONE** himself, and through other co-conspirators known to the United States, distributed and caused the distribution of the marijuana to purchasers in the Eastern District of Pennsylvania and elsewhere.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, the following overt acts, among others, were committed in the Eastern District of Pennsylvania and elsewhere:

1. In or about 1998 defendant **JOHN FAIONE** recruited persons known to him to serve as money couriers who transported, by airline flight or motor vehicle, tens of thousands of dollars in United States currency concealed on their persons, from Baltimore-Washington Airport, in Maryland and the Philadelphia, Pennsylvania area to Arizona to be used to pay for shipments of marijuana to be sent to Baltimore, Maryland and to defendant **JOHN FAIONE** in the Philadelphia, Pennsylvania area.

2. From on or about November 30, 1998 to December 3, 1998, defendant **JOHN FAIONE** caused Peter Kulbacki, a senior citizen known to him, to transport a load of approximately 125 pounds of marijuana by rental car from Tucson, Arizona to the Baltimore, Maryland area, for a partial delivery to a co-conspirator known to the United States, and from Maryland to Philadelphia for delivery of the remainder of the load to defendant **JOHN**

FAIONE.

3. On or about December 3 or 4, 1998, defendant **JOHN FAIONE** received delivery of a portion of the approximately 125 pounds of marijuana transported from Tucson, Arizona by Peter Kulbacki.

4. In or about December 1998, defendant **JOHN FAIONE** agreed to pay Peter Kulbacki at the rate of \$100 per pound of marijuana transported from Arizona to Maryland and Pennsylvania.

5. In or about January 1999, defendant **JOHN FAIONE** caused a courier known to the United States to travel by air from Baltimore, Maryland to Phoenix, Arizona, for the purpose of transporting a shipment of marijuana from Arizona for partial delivery to a co-conspirator known to the United States in the Baltimore, Maryland area, and for delivery of the remainder of the load to defendant **JOHN FAIONE** in the Philadelphia, Pennsylvania area.

6. On or about May 31, 1999, defendant **JOHN FAIONE** caused a courier known to the United States to travel by air from Baltimore, Maryland to Phoenix, Arizona, and to return from Phoenix to Philadelphia, Pennsylvania for the purpose of transporting a large sum of United States currency concealed on the courier's person intended for delivery in Arizona to a co-conspirator known to the United States in payment for a marijuana shipment.

7. In or about November 1999, Edward Ferrill, a senior citizen courier hired by defendant **JOHN FAIONE**, transported approximately 120 pounds of marijuana by a rental car from Tucson, Arizona to Baltimore, Maryland and then drove to Philadelphia, Pennsylvania, where defendant **JOHN FAIONE** paid the courier approximately \$12,000, representing \$100 per pound of marijuana transported.

8. On or about December 3, 1999, Peter Kulbacki, a senior citizen courier hired by defendant **JOHN FAIONE**, possessed approximately 324 pounds of marijuana concealed in a truck in Amarillo Texas, while he was enroute to Maryland and then Philadelphia to deliver a load of marijuana, a portion of which was intended for delivery to defendant **JOHN FAIONE**.

9. In or about January 2000, Edward Ferrill, a senior citizen courier hired by defendant **JOHN FAIONE**, transported approximately 130-135 pounds of marijuana by a rental truck from Tucson, Arizona to Essington, Pennsylvania for delivery to defendant **JOHN FAIONE**, for which defendant **JOHN FAIONE** subsequently paid the courier \$13,000, and acknowledged that the weight of the load of marijuana was 130 pounds.

10. On or about April 12, 2000, Edward Ferrill, a senior citizen courier hired by defendant **JOHN FAIONE**, possessed approximately 147 pounds of marijuana concealed in a rental car trunk in Kansas, while he was enroute to Maryland and then Philadelphia to deliver the load of marijuana, a portion of which was intended for delivery to defendant **JOHN FAIONE**.

11. On or about May 24, 2000, defendant **JOHN FAIONE** possessed \$33,740 in United States currency concealed in a Cheese Nips box located on the passenger seat of his vehicle, with the intention that the money serve as a down payment on the delivery of 1,000 pounds of marijuana to **FAIONE** by a cooperating individual.

12. On or about May 24, 2000, defendant **JOHN FAIONE** attempted to take delivery of approximately 1,000 pounds of marijuana from a cooperating individual known to the United States in the parking lot adjacent to the Outback Steakhouse on Baltimore Pike in Springfield, Pennsylvania.

All in violation of Title 21, United States Code, Section 846.

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. In committing the offense charged in Count One of this information,
defendant **JOHN FAIONE**:

a. Committed an offense and relevant conduct involving more than
400 kg but less than 700 kg of marijuana, as described in U.S.S.G. § 2D1.1(a)(3) & (c)(6).

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

As a result of the violation of Title 21, United States Code, Sections 846 and 841(a)(1), as set forth in Count One of this information, defendant

JOHN FAIONE

shall forfeit to the United States of America pursuant to Title 21, United States Code, Section 853, the following property:

A. Any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violations of Title 21, United States Code, as charged in this information, including, but not limited to: (1) the sum of \$33,740 in United States currency representing a down payment for the purchase of more than 500 pounds of marijuana.

B. Any property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violations of Title 21, United States Code, as charged in this information, such property to include but not be limited to: (1) the sum of \$33,740 in United States currency representing proceeds from the sale and distribution of marijuana.

C. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant **JOHN FAIONE**,

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third party;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or

5. has been commingled with other property which cannot be divided
without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

All pursuant to Title 21, United States Code, Section 853.

PATRICK L. MEEHAN
United States Attorney